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Counsel for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|  |   |  |
|--|---|--|
| AMERICAN FEDERATION OF                             | ) | Case No. 3:25-cv-03070-JD              |
| GOVERNMENT EMPLOYEES, AFL-CIO,                     | ) |  |
| <i>et al.</i> ,                                    | ) | <b>Defendants' Statement of Recent</b> |
|  | ) | <b>Decisions</b>                       |
| Plaintiffs,  | ) |  |
|  | ) |  |
| v.   | ) | Judge: Hon. James Donato               |
|  | ) |  |
| DONALD J. TRUMP, in his official capacity          | ) | <b>Noticed Hearing</b>                 |
| as President of the United States, <i>et al.</i> , | ) | Date: June 18, 2025                    |
|  | ) | Time: 10:00 a.m.                       |
| Defendants.  | ) | Location: Courtroom 11, 19th Floor     |

Pursuant to Civil Local Rule 7-3(d)(2), Defendants provide this Statement of Recent Decisions informing the Court of three recent judicial opinions issued after the filing of both Defendants' Opposition to Plaintiffs' *Ex Parte* Motion for a Preliminary Injunction and Order to Show Cause, ECF No. 44 ("Defs.' Opp'n"), and the Parties' Joint Statement on Other Lawsuits Regarding Executive Order

No. 14,251, ECF No. 46 (the “Joint Statement”).

On May 16, 2025, the United States Court of Appeals for the District of Columbia Circuit issued the attached Order in *National Treasury Employees Union v. Trump*, No. 25-5157 (D.C. Cir. May 16, 2025) (per curiam), granting the government’s emergency motion for stay pending appeal of the preliminary injunction in that case.<sup>1</sup> A majority of the motions panel held that the government is likely to prevail in its appeal of the district court’s preliminary injunction because National Treasury Employees Union, a federal employee union challenging Executive Order 14,251, failed to establish irreparable harm justifying a preliminary injunction. In response to that order, the district court on May 20, 2025, issued the attached further Memorandum Opinion and Order in *National Treasury Employees Union v. Trump*, No. 25-935-PLF (D.D.C. May 20, 2025), and directed the parties to submit tomorrow a Joint Status Report proposing a briefing schedule for any expected motions.

Also on May 20, 2025, the United States District Court for the Eastern District of Kentucky issued the attached Memorandum Opinion and Order in *Department of Treasury v. National Treasury Employees Union, Chapter 73*, No. 2:25-49-DCR (E.D. Ky. May 20, 2025), dismissing the action on standing grounds.<sup>2</sup>

DATED: May 21, 2025

Respectfully submitted,

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<sup>1</sup> Defendants referenced the *NTEU v. Trump* preliminary injunction in footnote 1 of their opposition to plaintiffs’ motion for a preliminary injunction, Defs.’ Opp’n at 5 n.1, and the parties later identified that case—and the government’s then-pending emergency motion—in their Joint Statement at 1–2.

<sup>2</sup> The parties identified this case in their Joint Statement at 3–4.

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/s/ Lydia J. Jines  
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